

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

NANCY J. HABER

Debtor.

Chapter 11

Case No.: 24-10194

**DECLARATION OF NANCY HABER PURSUANT
TO RULE 1007-2 OF THE LOCAL BANKRUPTCY RULES
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Pursuant to 28 U.S.C. § 1746, I, NANCY J. HABER hereby declares as follows under the penalty perjury:

1. I am the debtor herein and I submit this declaration (the “Declaration”) pursuant to Rule 1007-2 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”) in support of my petition under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), to assist this Court and other parties in interest in understanding the circumstances giving rise to the commencement of this chapter 11 proceeding.

2. Except as otherwise indicated, all references to the Bankruptcy Code, Bankruptcy Rules and Local Rules set forth herein, are made in conjunction with the advice of counsel, and all facts contained herein are based upon my personal knowledge, my review of relevant documents, or my opinion based upon experience, knowledge, and information.

INFORMATION REQUIRED BY LOCAL RULE 1007-2

3. Local Rule 1007-2 requires the Debtor to disclose certain information, which is set forth below and within the schedules annexed hereto. Unless otherwise indicated, the financial information contained herein is unaudited.

**Local Rule 1007-2(a)(1): Nature of the Debtor's Business & Brief Statement of Events
Leading to the Chapter 11 Filing**

4. I am the president of 1819 Weeks Ave Realty Corp ("1819 Corp"). 1819 Corp owns the real property situated and located at 47 Perry St, New York, NY 10014.

5. My immediate need for relief in this Court stems from a Consolidated Secured Promissory Note effective July 1, 2022 in the principal amount of \$4,550,000.00 between 1819 Corp. and Fairbridge Credit LLC (the "Secured Note").

6. Pursuant to the Secured Note and a certain Ownership Interests Pledge and Security Agreement dated October 20, 2022, I pledged all rights, title, and interest in the shares of 1819 Corp. (the "Pledged Entity") to Fairbridge Credit LLC. The principal asset of the Pledged Entity is the real property commonly known as 47 Perry St, New York, NY 10014.

7. Pursuant to the Ownership Interests Pledge and Security Agreement dated October 20, 2022, a UCC Sale for the pledged rights, title and interest in the shares of 1819 Corp was scheduled for February 5, 2024 at 3:30 P.M (the "UCC Sale"). The purpose of this filing was to prevent the UCC Sale and preserve all rights, title, and interest in the shares of the Pledged Entity.

Local Rule 1007-2(a)(4): The Debtor's Twenty Largest Unsecured Claims

8. Pursuant to Local Rule 1007-2(a)(4), a debtor is required to set forth the following information with respect to the holders of its twenty (20) largest unsecured claims, excluding claims of insiders: the creditor's name, address (including the number, street, apartment or suite number, and zip code, if not included in the post office address), and telephone number; the name(s) of persons(s) familiar with the debtor's accounts, if any; the amount of the claim; and an indication of whether the claim is contingent, unliquidated, disputed, or partially secured. Attached hereto as **Exhibit "A"** is a schedule setting forth such information.

Local Rule 1007-2(a)(5): The Debtor's Five Largest Secured Claims

9. Pursuant to Local Rule 1007-2(a)(5), a debtor is required to set forth with respect to each of the holders of its five (5) largest secured claims, each secured creditor's name, address, the amount of its claim, a brief description, and an estimate of the value of the collateral securing the claim, and whether the claim or lien is disputed. The Debtor submits that Local Rule 1007- 2(a)(5) is not applicable to this chapter 11 case as it has no such securities.

Local Rule 1007-2(a)(6): Summary of Assets and Liabilities

10. Pursuant to Local Rule 1007-2(a)(6), a debtor is required to set forth a summary of its assets and liabilities. Attached hereto as **Exhibit "B"**, is a schedule summarizing such information.

Local Rule 1007-2(a)(7): Schedule of Publicly Held Securities

11. Pursuant to Local Rule 1007-2(a)(7), a debtor is required to disclose whether any of the debtor's securities are publicly held. The Debtor submits that Local Rule 1007- 2(a)(7) is not applicable to this chapter 11 case as it has no such securities.

Local Rule 1007-2(a)(8): Schedule of Property Not in Debtor's Possession

12. Pursuant to Local Rule 1007-2(a)(8), a debtor is required to set forth a list of all property in the possession or custody of any custodian, public officer, mortgagee, pledgee, assignee of rents, secured creditor, or agent for any such entity, giving the name, address, and telephone number of such entity, and the location of the court in which any proceeding relating thereto is pending. The Debtor submits that Local Rule 1007-2(a)(8) is not applicable to this chapter 11 case because no property is in the possession or custody of any such entity.

Local Rule 1007-2(a)(9): Schedule of Leased Premises

13. Pursuant to Local Rule 1007-2(a)(9), a debtor is required to set forth a list of the premises owned, leased, or held under other arrangement from which it operates its business. I

am the president of 1819 Corp. 1819 Corp. owns the real property situated and located at 47 Perry St, New York, NY 10014.

**Local Rule 1007-2(a)(10): Location of Debtor's Substantial
Assets and Books and Records**

14. Pursuant to Local Rule 1007-2(a)(10), a debtor is required to disclose the location of its substantial assets, the location of its books and records, and the nature, location, and value of any assets held by the debtor outside the territorial limits of the United States. I submit that I am the president of 1819 Corp., which owns the real property situated and located at 47 Perry St, New York, NY 10014. I do not own any assets outside the territorial limits of the United States.

Local Rule 1007-2(a)(11): Schedule of Pending and Threatened Lawsuits

15. Pursuant to Local Rule 1007-2(a)(11), a debtor is required to set forth a list of the nature and present status of each action or proceeding, pending, or threatened, against it or its property where a judgment against it or a seizure of its property may be imminent. The Debtor refers the Court to the above discussion regarding that certain Ownership Interests Pledge and Security Agreement dated October 20, 2022, whereby I pledged all rights, title and interest in the shares of 1819 Corp. to Fairbridge Credit LLC, and a UCC Sale for the pledged rights was scheduled for February 5, 2024 at 3:30 P.M.

Local Rule 1007-2(a)(12): Senior Management Engaged in Operations

16. Pursuant to Local Rule 1007-2(a)(12), a debtor is required to disclose the names of the individuals who comprise its respective existing senior management, their tenure, and a brief summary of their relevant responsibilities and experience. The Debtor submits that Local Rule 1007-2(a)(12) is not applicable to this chapter 11 case.

Local Rule 1007-2(b): Debtor Cash Flow for Thirty-Day Period

17. Pursuant to Local Rule 1007-2(b), a debtor is required to disclose, with respect to the thirty-day period following the date of the filing of the petition: (i) the estimated amount of weekly payroll to employees; (ii) the amount proposed to be paid to officers, stockholders, or directors and to any financial or business consultants; and (iii) a list of estimated cash receipts and disbursements, net cash gain or loss, and obligations and receivables expected to accrue that remain unpaid. The Debtor and Debtor's counsel reserves the right to amend the instant affidavit according to applicable case law, code provisions and rules.

18. The Debtor intends to continue in operation and will propose a plan of reorganization, which treats all creditors in a fair and equitable manner consistent with the provisions of the Bankruptcy Code.

I swear under the penalty of perjury that the foregoing is true and accurate.

Dated: February 21, 2024
New York, NY

/s/ NANCY HABER
NANCY HABER
Debtor

EXHIBIT A

Fill in this information to identify your case:

Debtor 1 Nancy J. Haber
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number 24-10194
(if known)

☐ Check if this is an amended filing

B 104

For Individual Chapter 11 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders

12/15

If you are an individual filing for bankruptcy under Chapter 11, you must fill out this form. If you are filing under Chapter 7, Chapter 12, or Chapter 13, do not fill out this form. Do not include claims by anyone who is an insider. Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20 percent or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Also, do not include claims by secured creditors unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: List the 20 Unsecured Claims in Order from Largest to Smallest. Do Not Include Claims by Insiders.

Unsecured claim

1 Amex
PO Box 981537
El Paso, TX 79998-1537

What is the nature of the claim? Open account \$52,268.00

As of the date you file, the claim is: Check all that apply

☐ Contingent
☐ Unliquidated
☐ Disputed
☒ None of the above apply

Does the creditor have a lien on your property?

☒ No
☐ Yes. Total claim (secured and unsecured) _____

Contact _____

(800) 528-4800 Value of security: -
Contact phone Unsecured claim _____

2 Citibank
PO Box 6217
Sioux Falls, SD 57117-6217

What is the nature of the claim? Revolving account \$8,132.00

As of the date you file, the claim is: Check all that apply

☐ Contingent
☐ Unliquidated
☐ Disputed
☒ None of the above apply

Does the creditor have a lien on your property?

☒ No
☐ Yes. Total claim (secured and unsecured) _____

Contact _____

Value of security: -
Contact phone Unsecured claim _____

Debtor 1 Nancy J. Haber Case number (if known) 24-10194

3 Citibank PO Box 6181 Sioux Falls, SD 57117-6181 Contact Contact phone	What is the nature of the claim? <u>Revolving account</u> <u>\$617.00</u> As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input checked="" type="checkbox"/> None of the above apply Does the creditor have a lien on your property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Total claim (secured and unsecured) _____ Value of security: - _____ Unsecured claim _____
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4 Dsnb Bloomingdales PO Box 6789 Sioux Falls, SD 57117-6789 Contact (800) 543-9617 Contact phone	What is the nature of the claim? <u>Revolving account</u> <u>\$5,770.00</u> As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input checked="" type="checkbox"/> None of the above apply Does the creditor have a lien on your property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Total claim (secured and unsecured) _____ Value of security: - _____ Unsecured claim _____
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5 Jpmcb Card PO Box 15369 Wilmington, DE 19850-5369 Contact (800) 945-2000 Contact phone	What is the nature of the claim? <u>Revolving account</u> <u>\$4,198.00</u> As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input checked="" type="checkbox"/> None of the above apply Does the creditor have a lien on your property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Total claim (secured and unsecured) _____ Value of security: - _____ Unsecured claim _____
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Part 2: Sign Below

Under penalty of perjury, I declare that the information provided in this form is true and correct.

X _____ Nancy J. Haber Signature of Debtor 1	X _____ Signature of Debtor 2
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Date <u>February 21, 2024</u>	Date _____
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Debtor 1 Nancy J. Haber Case number (if known) 24-10194

EXHIBIT B

Fill in this information to identify your case:

Debtor 1	Nancy J. Haber		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF NEW YORK		
Case number (if known)	24-10194		

☐ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

		Your assets Value of what you own
1. Schedule A/B: Property (Official Form 106A/B)		
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$	0.00
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$	13,600.00
1c. Copy line 63, Total of all property on Schedule A/B.....	\$	13,600.00

Part 2: Summarize Your Liabilities

		Your liabilities Amount you owe
2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D)		
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i> ...	\$	0.00
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F)		
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$	389,840.82
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	\$	70,985.00
Your total liabilities		\$ 460,825.82

Part 3: Summarize Your Income and Expenses

4. Schedule I: Your Income (Official Form 106I)		
Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$	0.00
5. Schedule J: Your Expenses (Official Form 106J)		
Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$	0.00

Part 4: Answer These Questions for Administrative and Statistical Records

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. **What kind of debt do you have?**
- ☒ **Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. *Check this box* and submit this form to the court with your other schedules.

Debtor 1 Nancy J. Haber

Case number (if known) 24-10194

8. **From the *Statement of Your Current Monthly Income*:** Copy your total current monthly income from Official Form 122A-1 Line 11; **OR**, Form 122B Line 11; **OR**, Form 122C-1 Line 14.

\$ 0.00

9. **Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:**

	Total claim
From Part 4 on <i>Schedule E/F</i>, copy the following:	
9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>389,840.82</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ <u>0.00</u>
9g. Total. Add lines 9a through 9f.	\$ <u>389,840.82</u>